

Application Serial No. 10/039,047
Attorney Docket No. 60027.0218USU1/BS01155

REMARKS

This Amendment is in response to the Final Office Action dated November 30, 2006. Claims 6, 7, 9, 10, 13, 19, 36, 37, and 39 were examined in the Final Office Action. Claims 6-7, 9-10, 13, 19, 36-37, and 39 were rejected. Examination and reconsideration based on this Amendment and the following remarks are respectfully requested.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 6, 7, 9, 10, 36, 37, and 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sahai et al., U.S. Patent No. 6,594,699 (hereinafter, "Sahai et al.") and Natarajan et al., U.S. Patent No. 6,539,427 (hereinafter, "Natarajan") and Bahadiroglu, U.S. Patent Application Publication No. 2002/0186660 (hereinafter "Bahadiroglu"). Claims 13 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sahai et al. and Bahadiroglu. Applicant respectfully submits that the cited references do not teach or suggest amended independent claims 6, 13, and 36.

Claims 6, 13, and 36

Amended claim 6 is allowable over the cited references at least because it recites "transmitting the adapted data along each network segment to one of a plurality of segment endpoints wherein the segment endpoints comprise at least one recipient client and at least one sub-segment dispersed device that further adapts the data previously adapted to conform the data according to quality of service parameters associated with a network sub-segment adjacent to and downstream from one of the plurality of segment endpoints comprising the sub-segment dispersed device." Claims 13 and 36 have similar recitations. Support for this amendment is found in the specification at least on page 4, lines 10-16.

In contrast, Sahai discloses a system in which multimedia streaming is controlled based on capabilities of a client and user preferences. The data of Sahai is adapted at the source server and transferred directly to the client. (See Sahai, abstract, Fig 1, and column 5, lines 40-45). Sahai is silent with respect to multiple network segments and transmitting data to network sub-segments for additional adaptation prior to being transmitted downstream to a recipient or receiving client as recited in claim 1.

Neither Natarajan nor Bahadiroglu resolve the deficiencies of Sahai. Natarajan discloses an adaptive network where elements report operating information to a centralized data store in

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the form of feedback to effect the operation of network elements. However, Natarajan is silent with respect to adapting data and transmitting adapted data to network sub-segments for further adapting. (See Natarajan, abstract and column 8, lines 9-29). The adapted network elements of Natarajan do not disclose or suggest Applicant's claim 6.

Bahadiroglu discloses an adaptive packet mechanism for optimizing data packet transmission between a sending and receiving node. However, Bahadiroglu is also silent with respect to transmitting data to network sub-segments for additional adaptation prior to being transmitted downstream to a recipient or receiving client as recited in claim 6. (See abstract, paragraph 71, Fig. 6a). Thus, the cited references alone, or in combination, do not disclose or suggest each and every element of amended claims 6, 13, and 36.

Dependent Claims 7, 9, 10, 19, 37, and 39

Regarding claims 7, 9, 10, 19, 37, and 39, Applicant submits that claims 7, 9, 10, 37, and 39 are also in condition for allowance by virtue of their dependency on allowable independent claims 6, 13, or 36. MPEP §2143.03 citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests withdrawal of the rejection to claims 7, 9, 10, 19, 37, and 39 for at least this reason also. Regarding the Examiner's additional assertions, which have not been addressed specifically, Applicant respectfully submits that these arguments are moot in view of the above remarks. Accordingly, in view of the above arguments, Applicant respectfully submits that claims 7, 9, 10, 37, and 39 are in condition for allowance.

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CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,
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